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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Guillermo Ramos-Perez,

10 Petitioner,

11 v.

12 Charles L Ryan, et al.,

13 Respondents.
14

No. CV-16-00813-PHX-DLR

ORDER

15
16 Before the Court is Petitioner Guillermo Ramos-Perez's Petition for Writ of
17 Habeas Corpus and United States Magistrate Judge David K. Duncan's Report and
18 Recommendation (R&R). (Docs. 1, 14.) The R&R recommends that the Court deny the
19 Petition. The Magistrate Judge advised the parties that they had fourteen days to file
20 objections to the R&R and that failure to file timely objections could be considered a
21 waiver of the right to obtain review of the R&R. (Doc. 14 at 6 (citing Fed. R. Civ. P. 72;
22 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)). Petitioner did not
23 file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-*
24 *Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section 636(b)(1)]
25 does not . . . require any review at all . . . of any issue that is not the subject of an
26 objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any
27 part of the magistrate judge's disposition that has been properly objected to."). The Court
28 has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept

1 the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district court
2 “may accept, reject, or modify, in whole or in part, the findings or recommendations
3 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,
4 or modify the recommended disposition; receive further evidence; or return the matter to
5 the magistrate judge with instructions.”).


6 **IT IS ORDERED** that Magistrate Judge Duncan’s R&R (Doc. 14) is
7 **ACCEPTED**. Petitioner’s Petition for Writ of Habeas Corpus is **DENIED** and
8 **DISMISSED WITH PREJUDICE**.

9 **IT IS FURTHER ORDERED** that a Certificate of Appealability and leave to
10 proceed *in forma pauperis* on appeal are **DENIED** because the dismissal of the Petition is
11 justified by the waiver contained in the plea agreement of all non-jurisdictional claims
12 and reasonable jurists would not find the ruling debatable.

13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall terminate this
14 case.

15 Dated this 27th day of April, 2017.

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Douglas L. Rayes
United States District Judge